IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

CRL.A.No. 687 of 2002()

CC.918/2000 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

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APPELLANT: COMPLAINANT:

SOMASUNDARAN, MANAGING DIRECTOR,
M/S. KOTTARAM CHITTIES AND FINANCE PVT.LTD.,
HOUSE NO.42/1334, POWER HOUSE ROAD,
COCHIN-18, REPRESENTED BY ITS POWER OF
ATTORNEY HOLDER M. RAMANKUTTY MENON,
S/O. MADHAVA MENON, VIJAYA NIVAS, GURUVAYOOR.

BY ADV. SRI.SURESH JOSE

RESPONDENTS: ACCUSED:

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1. MRS. RACHEL JOHN, W/O. M.S. JOHN,
MAMMOOTTIL HOUSE, KIZHAVALLOOR P.O.,
KONNI, PATHANAMTHITTA.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.687 of 2002(C)

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Dated this the 10th day of September, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.918/2000 in the file of the Judicial Magistrate of the First Class-II, Ernakulam, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 22/10/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.687 of 2002(C)

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J U D G M E N T

10th September, 2007